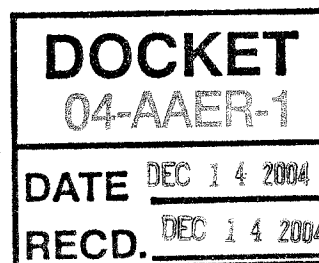


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December 14, 2004

Docket Office
California Energy Commission
1516 Ninth Street, Mail Station 4
Sacramento, CA 95814-5512



Subject: Docket No. 04-AAER-1

Enclosed please find Dixie-Narco's comments on the Express Terms of Proposed Regulation (15 Day Language) for the above referenced Docket.

An electronic submittal was made on this date to docket@energy.state.ca.us.

Thank you for the opportunity to comment on this proposal. We look forward to continue working with the Commission on this important issue.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John E. O'Hare".

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John E. O'Hare
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Docket Office
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Sacramento, CA 95814-5512

Subject: Docket No. 04-AAER-1

Dixie-Narco is pleased to present the Commission with comments on the Express Terms of Proposed Regulation (15 Day Language) to the current Appliance Efficiency Regulations, Title 20, specifically with regards to the requirements for refrigerated beverage vending machines.

The purpose of these comments is to address our concern regarding the proposed method of testing and rating energy consumption for refrigerated vending machines, specifically with regards to machines designed and marketed "For Indoor Use Only" and the proposed addition of the "Multi-Package" vender category.

In accordance with Industry Standards¹, vending machines are designed for three types of locations, Indoor Use Only, Protected Locations, and Suitable for Outdoor Use.

By definition, Indoor Use Only machines are those located inside a building and consequently not subjected to the effects of weathering.² These machines are typically constructed with a glass door. They are located in areas such as Schools, Cafeterias, Office Buildings, Airport Terminals, etc. where the average indoor air temperature as published in the 1995 ASHRAE Handbook for HVAC Applications is approximately 75°F.

By virtue of their design and Listing by Underwriters Laboratories, these machines are clearly marked "For Indoor Use Only" and may not be used in protected locations or in outdoor locations.

¹ UL541 Refrigerated Vending Machines, UL751, Vending Machines, UL471, Commercial Refrigerators

² UL541, Sixth Edition, Sec. 3.5

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As currently proposed, Section 1605.3, Table A-6 imposes a limit on energy consumption effective January 1, 2006 based upon the tiered limits published in the EPA Energy Star program, however the standard does not take into account the design and operational differences of an Indoor Use Only vs. Suitable for Outdoor Use machine.

One implication of testing an "Indoor Only" machine at 90°F is to potentially exclude a machine that meets Energy Star guidelines from sale in the State of California when in fact it meets applicable Federal guidelines when used in its intended, average 75°F environment. Another is that publication of 90°F data will infer a machine is suitable for use in this environment when in fact it may not.

The EPA addresses the uniqueness of vending machines designed and marketed "For Indoor Use Only" in its Energy Star Program.³ It specifies that machines marked as Suitable for Outdoor or Protected locations be tested at 90°F and machines designed for "Indoor Use Only" be tested at 75°F. The three largest manufacturers of refrigerated vending equipment are currently testing and publishing data to this standard.⁴ As the CEC proceeds with establishing test criteria for energy consumption of refrigerated beverage vending machines, we recommend these two categories be adopted as well. The definition of Indoor and Indoor/Outdoor is well established and readily understood in the industry.

With reference to Section 1602 and Table A-6, introducing other categories, such as "Refrigerated Multi-Package Beverage Vending Machine" will potentially lead to confusion in the marketplace. Adoption of this category could potentially allow a machine that is marketed as "Suitable for Outdoor Use" to be categorized as "Multi-Package Vendor", thereby allowing the machine to be tested and rated at 75°F, rather than at the outdoor environment for which it could be used.

With reference to Section 1604, Table A-2, Indoor Use Only machines are effectively the same as Commercial Refrigerators with doors. The energy consumption of commercial refrigerators is determined at 75°F in accordance with ASHRAE 117-1992. We recommend Table A-6 be amended to show that effective January 1, 2006, Refrigerated Canned and Bottled Beverage Vending Machines marked "For Indoor Use Only" be tested in a 75°F environment as well and that machines marked for "Protected Locations" or "Suitable for Outdoor Use" be tested in a 90°F environment.

³ http://www.energystar.gov/index.cfm?c=vending_machines.pr_vending_machines

⁴ http://www.energystar.gov/ia/products/prod_lists/vending_prod_list.pdf

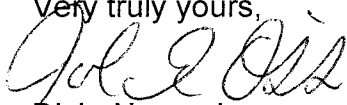
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In summary, Dixie-Narco wishes to propose the following:

- Harmonize the CEC Appliance Efficiency Regulations with current industry terminology through the adoption of two vending machine categories, "Indoor Use Only" and "Protected or Outdoor Locations"
- Eliminate the "Multi-Package Vender" language from the Docket
- Test and report to Table A-6 limits for "Protected Location and Outdoor" machines at 90°F effective January 1, 2006
- Test and report to Table A-6 limits for "Indoor Use Only" machines at 75°F effective January 1, 2006

Thank you for the opportunity to comment on this proposal. We look forward to continue working with the Commission on this important issue.

Very truly yours,



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